1761551N25A - SH-AD-32A (OPES) (4/91)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: November 3, 2004
FILE NO: #2086464

EXECUTIVE FORCE REVIEW COMMITTEE
POLICY ASSESSMENT
DISPOSITION SHEET

FROM: JOHNNY G. JURADO, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: ERIC B. SMITH, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: ALEMAN, DANIEL, DEPUTY #[redacted] SPECIAL ENFORCEMENT BUREAU, OHS
[redacted] DEPUTY #[redacted] SPECIAL ENFORCEMENT BUREAU, OHS
CONNER, ZACK, DEPUTY #[redacted] SPECIAL ENFORCEMENT BUREAU, OHS
ROBERT, WILLIAM, DEPUTY #[redacted] SPECIAL ENFORCEMENT BUREAU, OHS

On April 2, 2003, personnel from the Special Enforcement Bureau (SEB) responded to a containment of a trailer in a trailer park. The resident, Frank Guzman, was walking back and forth in the trailer displaying a rifle with a scope and refusing to surrender. After 11 hours of attempts to negotiate Guzman's surrender, gas was introduced into the trailer. Eventually, Guzman emerged from the trailer and pointed his rifle at deputies stationed on or near the Armored Response Vehicle (ARV). Deputies [redacted] and Robert, positioned atop the ARV, fired at Guzman. Deputies Aleman and Conner, positioned inside a nearby recreation room, also fired. Guzman was hit and fell back into the trailer. For several minutes, Guzman could be heard yelling and cursing the deputies. He was repeatedly ordered to emerge and surrender. Eventually, Guzman emerged, but refused to follow directions to lay on the ground. Instead, he sat in a nearby chair and hid his left arm from view. It appeared to the containment deputies that Guzman was concealing a weapon in his sleeve and had another in his waistband. A canine was deployed in an attempt to pull Guzman from his chair. Guzman fought with the dog and the dog was unsuccessful in forcing Guzman to comply. ARWEN rounds were fired at Guzman in an attempt to get him to leave the chair and lay on the ground, again without success. Eventually, an arrest team approached Guzman and tipped over his chair and took him into custody. A knife and a banana clip (magazine for his rifle) were recovered from his person. Guzman was immediately treated by SEB paramedics and transported to a hospital, where he was later pronounced dead.

On October 26, 2004, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

3-01/025.00, Use of Force, 3-01/025.30, Use of Firearms and Deadly Force, and 3-01/025.10, Unreasonable Force, the Committee determined that the force used by all personnel was reasonable and necessary and in compliance with Department policy.

3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Johnny G. Jurado, Commander

Table of Contents

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 08/12/04	Bureau/Station/Facility: SEB	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 003-04634-0584-013	Date: 04-02-03 Time: 1939
City or Station: ARCADIA	Nature of Incident: DEPUTY-INVOLVED HIT SHOOTING, SUSPECT DECEASED.
Location: [redacted] E. LIVE OAK AVE. #[redacted]	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, (Residence), Rural, School, Street, Other: ____

Lighting (*circle only one*): (Darkness), Daylight, Other, Street Lights

Weather (*circle only one*): Clear, (Cloudy), Fog, Rain

Distance: 110 FT

Incident Type (*circle one or more*): Accidental, (Armed Person), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service

Other: BARRICADE SUSPECT

Initiated by (*circle only one*): Arrest Warrant, (Call), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, (Other), Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
12	0	☐	☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
	REFER TO IAB CASE FOR	DEPT. PERSONNEL	WITS	EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
REFER TO IAB CASE FOR CIVILIAN WITNESS LIST				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	YAW	PHIL		(On Duty), (Witness to shooting), (Present during shooting), Involved in shooting
				On Duty, Witness to shooting, Present during shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	N/A		

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	MAXWELL	PATRICK	

PSTD Use Only

SH # SH2086464

Officer Involved Shooting

URN: 003-04634-0584-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04-02-03	2130	08/31/04	

Employee #	Last Name	First Name	M.I
[redacted]	BERG	MICHAEL	R.
[redacted]	HARRIS	JOHN	W.
[redacted]	SENO	BENNET	W.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	FR	SR	22			NN	
S1	E2	FR					NN	
S1	E3	FR					NN	
S1	E4	FR					NN	
E1	S1	FR	ZZ	30	Y	Y	DH	CH
E2	S1	FR	CO	23	Y	Y	DH	AR
E3	S1	FR	CO	23	Y	Y	DH	AR
E4	S1	FR	WN	30	Y	Y	DH	AR

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 003-04634-0584-013

Involved Employee

E 1

Employee # [redacted]	Last Name CONNER		First Name ZACHARY	M.I.
Sex: M Race: W.	Rank DEPUTY SHERIFF	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): LONG RIFLE TEAM 1	
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☒
Hrs of sleep prior to shooting: 4-6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:	
Age: [redacted] Height: 5-08	Weight: 190			
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted]	Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

E 2

Employee # [redacted]	Last Name ALEMAN		First Name DANIEL	M.I.
Sex: M Race: W.	Rank DEPUTY SHERIFF	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): LONG RIFLE TEAM 1	
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☒
Hrs of sleep prior to shooting: 4-6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:	
Age: [redacted] Height: 5-09	Weight: 165			
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted]	Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

E 3

Employee # [redacted]	Last Name [redacted]		First Name [redacted]	M.I.
Sex: M Race: W	Rank DEPUTY SHERIFF	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]	
ShiftTime (*circle only one*): EM [redacted] Day	ShiftType (*circle only one*): [redacted] Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☒
Hrs of sleep prior to shooting: [redacted]	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, [redacted]	Other Factors:	
Age: [redacted] Height: [redacted]	Weight: [redacted]			
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted]	Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

Officer Involved Shooting
Involved Employee Information

URN: 003-04634-0584-013

Involved Employee

E 4

Employee # [redacted]	Last Name ROBERT	First Name WILLIAM	M.I.
Sex: M Race: W	Rank DEPUTY SHERIFF	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): LONG RIFLE TEAM 2
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 4-6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5-09	Weight: 180		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 003-04634-0584-013

Suspect Information

S 1

Last Name: GUZMAN | First Name: FRANK | M.I. R.
AKA Last Name: | First Name: | M.I.
Sex: M | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]
Work Phone: | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #: [redacted]
Age: 34 | D.O.B. | Height: 5-09 | Weight: 283 | FBI #: [redacted] | CII #: [redacted]
Booking #: NONE | Primary Charge: N/A | Secondary Charge: N/A
Coroner Case? [X] | Coroner Case #: 2003-02602 | Intoxication/Drug Usage? [X] | Substance Used: METHAMPHETAMINE
Armed? [X] | Apprehended? [X] | Mental Illness? [X] | Criminal History? [redacted]
Vehicle Make: N/A | Model: | Year:

S__

Last Name: | First Name: | M.I.
AKA Last Name: | First Name: | M.I.
Sex: | Race: | Street Address: | City | State & Zip Code:
Work Phone: | Home Phone: | Social Security #: | Driver's License #:
Age: | D.O.B. | Height: | Weight: | FBI # | CII #
Booking # | Primary Charge: | Secondary Charge:
Coroner Case? [ ] | Coroner Case # | Intoxication/Drug Usage? [ ] | Substance Used:
Armed? [ ] | Apprehended? [ ] | Mental Illness? [ ] | Criminal History? [ ]
Vehicle Make | Model: | Year:

S__

Last Name: | First Name: | M.I.
AKA Last Name: | First Name: | M.I.
Sex: | Race: | Street Address: | City | State & Zip Code:
Work Phone: | Home Phone: | Social Security #: | Driver's License #:
Age: | D.O.B. | Height: | Weight: | FBI # | CII #
Booking # | Primary Charge: | Secondary Charge:
Coroner Case? [ ] | Coroner Case # | Intoxication/Drug Usage? [ ] | Substance Used:
Armed? [ ] | Apprehended? [ ] | Mental Illness? [ ] | Criminal History? [ ]
Vehicle Make | Model: | Year:

S__

Last Name: | First Name: | M.I.
AKA Last Name: | First Name: | M.I.
Sex: | Race: | Street Address: | City | State & Zip Code:
Work Phone: | Home Phone: | Social Security #: | Driver's License #:
Age: | D.O.B. | Height: | Weight: | FBI # | CII #
Booking # | Primary Charge: | Secondary Charge:
Coroner Case? [ ] | Coroner Case # | Intoxication/Drug Usage? [ ] | Substance Used:
Armed? [ ] | Apprehended? [ ] | Mental Illness? [ ] | Criminal History? [ ]
Vehicle Make | Model: | Year:

No deputies were injured.

PHYSICAL EVIDENCE:

Refer to the Homicide Book, **Exhibit A, p. 49-57** for Physical Evidence gathered at the crime scene(s) and processed by the Crime Lab. The Crime Lab report is located in **pages 140-151** of the same exhibit. Refer to the Homicide, Crime Lab, and Coroner reports containing in the Homicide Book, **Exhibit A**. Refer to photographs of the crime scene and evidence (**Exhibits B-G**), and the crime scene sketch (**Exhibit A, pages145-147**).

Refer to the property damage section for additional comments regarding bullet strikes.

INVESTIGATOR OBSERVATIONS:

The physical evidence at the shooting scene (positions of the deputy's shell casings, position of the suspect, the suspect's gun, evidence recovered at the scene) appears to be consistent with the deputies' versions of the events. All of the trailers in the mobile home park were evacuated early in the incident, and were not occupied at the time of the shooting.

Refer to the Homicide Book (**Exhibit A, p. 49-57**) for additional scene observations. Also, refer to **Exhibits B-G** for photographs of the scene.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Connor, Zachary

Departmental-issued .308 Win. caliber semiautomatic rifle; Springfield Armory M1A; serial #[redacted] Leupold scope, 4 x 14 power; 4 rounds of duty issue .308 caliber ammunition fired. Connor carried his weapon with 20 rounds in the magazine. For additional information, refer to the Crime Lab examination of Connor's weapon (**Exhibit A, p. 140-144, lab receipt J323927, Item #17**). Crime lab personnel estimated Conner to be approximately 80 feet from the suspect at the time of the shooting.

Deputy Aleman, Daniel

Departmental-issued .223 Rem. Caliber select fire machine gun; Colt M4/M16A2E, serial #A[redacted] EO Techs sites; 5 rounds of duty issue .223 Rem. caliber ammunition fired. Aleman carried his weapon with 30 rounds in the magazine. For additional information, refer to the Crime Lab examination of Aleman's weapon (**Exhibit A, p. 140-144, lab receipt J323927, Item #15**). Crime lab personnel estimated Aleman to be approximately 80 feet from the suspect at the time of the shooting.

Deputy [redacted]

Departmental-issued service 223 Rem. Caliber select fire machine gun; Colt M4/M16A2E, serial #A[redacted] 2 rounds of duty issue .223 Rem. caliber ammunition fired. [redacted] carried his weapon with 28 rounds in the magazine. For additional information, refer to the Crime Lab examination of [redacted] weapon (**Exhibit A, p. 140-144, lab receipt J323927, Item #DMH-1**). Crime lab personnel estimated Bones to be approximately 110 feet from the suspect at the time of the shooting.

Deputy Robert, William

Departmental-issued .308 caliber bolt action rifle; Remington 40-X; serial #[redacted]B; 1 round of duty issue .308 Win. caliber ammunition fired. Robert carried his weapon with 4 rounds in the magazine. For additional information, refer to the Crime Lab examination of Robert's weapon (**Exhibit A, p. 140-144, lab receipt J323927, Item #4**). Crime lab personnel estimated Robert to be approximately 110 feet from the suspect at the time of the shooting.

Deputy [redacted]

Departmental-issued Arwen SL6 rifle, less lethal; 6 rounds of rubber projectile bullets fired. There was no crime lab examination of the Arwen weapon.

Deputy [redacted]

Departmental-issued Arwen SL6 rifle, less lethal; 6 rounds of rubber projectile bullets fired. There was no crime lab examination of the Arwen weapon. Hackett estimated he was approximately 25 feet from the suspect at the time he fired.

WEAPONS USED BY SUSPECT:

Suspect Guzman used a Ruger, semi-automatic, rifle, model 10-22, serial #[redacted] with scope, flash suppresser, and bi-pod; loaded with one magazine containing 25 live .22 caliber rounds. The rifle was located and recovered lying on the floor of the Guzman's trailer at the sliding glass door. Refer to **Evidence item # 25, Exhibit A, pages 49-57, 140-151, lab receipt J323930**. There were no fired rounds, nor recovered shell casings. Refer to photos in **Exhibit E**.

PROPERTY DAMAGE:

The following private property was damaged:

Bullet strike/miscellaneous damage at the suspect's trailer, B27:

One bullet hole through the trailer south of the sliding glass door. This bullet also caused two holes through the east side of the trailer.

One bullet hole through the south edge of the sliding glass door frame. This bullet also caused one hole through the east side of the trailer.

Four bullet holes through the sliding glass door.

Twelve holes through the window on the east side of the living room (some caused by injection of gas projectiles through window).

Miscellaneous broken personal property from bullet strike damage, windows, window treatments, and gas damage (projectiles, gas axe and gas) to trailer; miscellaneous blood splatter throughout living room area of trailer.

Bullet strike damage at trailer, C26:

Three areas of bullet damage to the south side of the trailer.

Bullet strike damage at trailer, C16:

Two bullet holes through the trailer.

Bullet strike damage at trailer, B15:

One bullet hole through the window.

One bullet hole into the north side of the trailer.

Bullet strike damage at the Recreation Room:

Bullet strike damage to west facing window louvers

No department property was damaged. Deputy Scott Edge of Civil Litigation responded to the scene. Refer to the photographs in Exhibit G for further documentation of the above damage, as well as **Exhibit A, pages 50-54, and 140-151**.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator's Name	Detective David Carver (Homicide)
Court	None
Charges Filed	None
Court Date	None
Case Number	None

No criminal charges were filed. Homicide Investigators Carver and Okada handled the incident.

LIGHTING OR WEATHER CONDITIONS:

The weather was cloudy, cool, and dark at the time of the shooting (approximately 1940 hours).

INVOLVED EMPLOYEES STATEMENTS:

Deputy Conner, Zachary

Deputy Connor responded to the location after receiving information that a suspect was running around a trailer park with a long rifle. Upon his arrival, Connor was deployed in the trailer park recreation room, which was directly across from the suspect's trailer. The door of the suspect's trailer faced west, directly toward the rec room.

Conner saw the suspect standing in the front slider door with a rifle at port arms. The suspect was talking to himself. The suspect stood with the rifle at port arms for the first 4-5 hours of the call out. Every once in awhile, the suspect would drop the gun down and point it toward the front of the trailer. He would also swing the rifle around and point it toward the sides of the trailer. Conner saw the suspect gritting his teeth, sweating, twitching, and moving about. Conner had a view of the suspect the entire time. Connor believed the suspect's actions were indicative of someone under the influence of cocaine or methamphetamine.

During the incident, CNT (Crisis Negotiation Team) tried numerous times to get the suspect, Frank Guzman, to give up. They made calls throughout the day, and spoke to Guzman. Arson/Explosives brought their robot to the location and made announcements to the suspect. Guzman told CNT he would come out of the trailer on several occasions, but failed to come out.

After one conversation with CNT, the suspect came to the trailer door, stuck his head out, and yelled that he wanted to see his [redacted] He was told his [redacted] was at the command post and he could see her if he surrendered. Guzman cursed and went back into the trailer. Shortly afterward, SEB personnel received word their tactical plan was a "go." Conner believed the plan was to introduce cold gas, followed by hot gas, in order to drive the suspect out of the trailer. Conner was told to advise everyone via radio when he saw the suspect by the front door so gas could be injected into the rear of the trailer. Conner saw the suspect by the front door holding his rifle, and advised other units.

Guzman was going back and forth in the trailer after gas was fired into the trailer. He appeared agitated and was coughing. He went to the front door, and pushed or slid it open. He came out in a crouched position and brought the gun up, looking at the ARV (Armored Response Vehicle). The suspect had been watching the ARV all day. Conner believed Guzman had a clear view and shot of the ARV and the deputies deployed there. Conner could not believe Guzman came out of the trailer and believed Guzman would try to affect an escape. Guzman brought the gun up toward the ARV

and Deputies [redacted] and Robert. Conner believed his life and the deputies' lives were endangered. Conner believed Guzman would fire his weapon, and Conner fired one round at the suspect. Conner heard Aleman fire a round simultaneously. Conner said the rounds "sat him (the suspect) up" and Guzman still faced the ARV, and pointed his weapon at it. Conner fired two or three more rounds. The suspect fell back toward the trailer.

Conner believed the incident was over, then heard the suspect yelling, "You fucking assholes! You fucking hit me! My fucking leg!" The suspect stood back up. Conner was astonished, and believed the only reason the suspect could take the rounds and stand up was due to methamphetamine or cocaine usage. Conner believed the 308 rounds, if not the 223 rounds, should have stopped the suspect.

The suspect was ordered out of the trailer. He walked out of the trailer and down the stairs. Guzman sat in a plastic chair and would not get on the ground as ordered. Conner believed the suspect was concealing a weapon in his left sleeve, which covered the suspect's left hand. Conner also saw an object in the suspect's rear waistband. Conner watched the suspect though his rifle scope.

A canine was deployed to get the suspect out of the chair. Guzman fought with the dog, and kicked at the dog. The dog was called off, and deputies fired Arwen rounds at the suspect. The rounds struck the suspect's body, but had no effect. Conner believed 5-8 Arwen rounds were fired. Conner could see at least four bullet wounds to the suspect, and the suspect had blood coming from his mouth. Conner believed the suspect might still be armed. Deputies continued to order the suspect to the ground, but he refused. An arrest team came up to the suspect and took him out of the chair and onto the ground. Conner could not tell if the suspect was handcuffed. Once the suspect was on the ground, he had no fight left, and the incident ended.

Paramedics were on scene and immediately treated the suspect. The suspect was eventually transported to the hospital by an ambulance.

Conner believed he deployed around 0700 hours, and the shooting occurred approximately 10-11 hours later.

Deputy Aleman, Daniel

Deputy Aleman responded to the location at approximately 0745 hours, and was positioned on top of the ARV (Armored Response Vehicle). Initially, Aleman was the spotter for Deputy William Robert who was also positioned on top of the ARV. Aleman had a direct view of the front of the suspect's trailer. He saw the suspect standing at the sliding door in the front of the trailer. The suspect held a rifle, which Aleman saw was pointed to the side of the suspect. Aleman was armed with a Colt M4 which fired a 223 caliber round. He had EO Tech sites on the weapon (which displays a red dot), and no other optics.

After 15-20 minutes, Aleman left his position to become a spotter for "Long Rifle One," Deputy Conner. Conner was located in the trailer park's recreation room. The rec room was directly west (to the front of) the front of the suspect's trailer. From the rec room, Aleman saw the suspect standing in front of his window and holding a rifle. Conner relayed that he saw the suspect load ammunition into his weapon.

It appeared the suspect was on the phone talking to CNT (Crisis Negotiation Team). Numerous announcements were made, urging the suspect to exit the trailer. The suspect walked and looked around his trailer. At one point, he held a knife, and at other times, he was not armed. The suspect yelled that he wanted to talk to his [redacted] Throughout the day, numerous attempts to have the suspect surrender were made by CNT, P.A. announcements, and two robots were deployed; one robot made announcements via a speaker, while the other took a cell phone to the suspect.

Later in the day, after it was dark, gas was deployed into the trailer. The suspect armed himself with his rifle. The suspect held the rifle with both arms, and sometimes with one arm. The suspect went to the door slider (front of the trailer) and was in a crouched, combat position. He opened the slider, then lifted his rifle and pointed it toward the deputies at the ARV. Aleman feared his partners, and himself, would be shot. Aleman fired two rounds toward the center mass of the suspect. The suspect stood up and continued to point his rifle at the deputies positioned at the ARV. Aleman then fired a couple more rounds at the suspect. Aleman heard other rounds being fired simultaneously with his firing.

The suspect went back into the trailer and Aleman heard the suspect yelling. The suspect was back in sight and walked to the front door area. Aleman could not see what was in the suspect's left hand since the suspect's sleeve covered the left hand. Aleman did not know if the suspect was armed. The suspect walked outside, down the stairs and sat in a chair. Aleman had a partial view of the suspect. Announcements were made for the suspect to lie down and surrender. The suspect refused, and swore. Several attempts were made for the suspect to lie on the ground, but he refused. The canine was deployed and attempted to bring the suspect to the ground. The suspect kicked his feet at the dog, and fought with the dog, but remained seated in the chair. The chair was against the front side of the trailer.

After fighting with the dog, the suspect moved to another chair in the middle of the front yard. Aleman believed Arwen rounds were deployed at that point but the suspect remained in the chair. Aleman saw an arrest team approach the suspect, take him down, and handcuff him. Aleman did not know which deputies deployed gas, fired the Arwen, or were on the arrest team.

The suspect was moved so ESD paramedics could treat him while an entry team cleared the location. An ambulance arrived to transport the suspect to the hospital.

Deputy [redacted]

Deputy [redacted] responded to the location at approximately 0800 hours. He was directed to deploy at the armored vehicle as a member of the arrest team and a long rifle spotter. [redacted] and Deputy Robert were positioned on top of the ARV. Robert advised [redacted] he could see the suspect was armed with a rifle, possibly an AK47, with a banana clip. Robert observed the suspect though his rifle scope. The suspect was agitated, walked back and forth, moved the rifle around, and even pointed the rifle at his head. The suspect never pointed the rifle directly at [redacted] and Robert, but made threatening gestures with the gun. The suspect's behavior continued for the duration of the call-out.

Announcements were made continuously, ordering the suspect to drop the weapon and exit the trailer. A robot made announcements and brought the suspect a phone, which he refused. The suspect continuously came to the sliding glass door at the front of the trailer to assess the deputies' positions. The suspect always had his rifle in his hands, and sometimes a knife.

The Crisis Negotiation Team (CNT) had the suspect on the phone several times, but the suspect never exited from his trailer. Toward the end of the operation, the suspect came to the sliding door, opened it, and asked to speak to his [redacted] He was again advised to step out and surrender, but he refused. Shortly thereafter, gas was inserted into the trailer. [redacted] estimated the gas was inserted at 1900 hours. SEB had an arrest team in place, and cold gas was inserted into the trailer. The cold gas seemed to have no effect. After 5-10 minutes, a "gas axe" was inserted, which deploys a higher concentration of gas. The suspect came to the sliding glass door and opened it with his left hand.

The suspect came out of the door, and immediately raised his rifle in [redacted] direction (on the armored vehicle). [redacted] feared for his safety and the safety of his partners. He fired two rounds from his rifle, and the suspect disappeared from his view. [redacted] believed Deputy Robert, next to him, fired one round that he heard. [redacted] heard the suspect screaming about being shot in the leg. The suspect was inside the trailer out of view.

More announcements were made for the suspect to come out of the trailer to receive medical aid. The announcements went on for several minutes, then the suspect crawled out of the sliding door onto the steps. He did not have the rifle in his hands, but it looked like there was something concealed in his left sleeve. It later proved to be a magazine clip for his rifle. The suspect crawled down to a patio chair at the foot of the stairs, and sat in it. Numerous commands were again given for the suspect to move away from the trailer. He refused and a dog was released on him.

The dog tried to drag the suspect out of the chair by the arm, but could not. The suspect was a large man. The dog continued to try to drag him out of the chair, and announcements were made for the suspect to give up. The dog tired, and the canine handler called off the dog. Arwen rounds were fired at the suspect by unknown personnel, but [redacted] could not see where the rounds hit. The suspect finally laid down on the ground and was taken into custody.

The suspect was treated by ESD paramedics within two minutes, then taken via ambulance to a hospital.

Deputy Robert, William

Deputy Robert was on another SEB call out in Covina when he received notice of another call out in Temple Station's area. Robert was driving the Armored Response Vehicle (ARV), and was advised to drive the ARV to the Temple area call out. When he arrived at the location around 0800 hours, Robert was advised there was a mentally ill person on drugs armed with a long rifle with a scope. He was directed where to park the ARV. He deployed on top of the ARV with his long rifle.

Robert could view the suspect through the front sliding glass door of the trailer. The suspect carried a rifle, and held it for hours at a time. The suspect appeared to be agitated. Robert could see the suspect looking in his direction. Robert and the ARV were clearly visible to the suspect. Robert believed the suspect was intentionally showing him the rifle, and loading the weapon. Robert could see a long rifle with a scope, and a banana magazine clip. Several times, Deputy Conner advised everyone via radio that the suspect put the weapon to his own head.

The Crisis Negotiation Team was at the location, and P.A. announcements were made all day in an attempt to get the suspect to come out of the trailer. A robot was used to deliver a cell phone to the suspect because he would not answer his own phone. When CNT did get the suspect on the phone, he said he would exit the trailer, but did not. Throughout the day, the suspect continued to reappear at the window with his rifle, but would not come out.

When it was dark, the plan was to insert gas into the trailer from the north side of the location, because the suspect was mostly on the south side. Cold gas was shot into the north side windows. The suspect appeared agitated but he did not come out. Containment units reported they heard the suspect coughing. Robert believed additional gas was fired into the south side of the trailer. Robert saw the suspect come and go from the front sliding glass door, always holding his rifle.

The suspect came up to the sliding window and Robert saw him slide the door open with one hand, as he held the gun with his other hand. The suspect was crouched as he stepped onto the porch. When the suspect came out of his crouch, Robert believed the suspect looked directly at him. The suspect pointed his rifle directly at Robert. Robert believed that the suspect looked at him all day, knew exactly where he was, and was going to shoot him or Deputy [redacted] (next to Robert). Robert fired one round at the suspect to stop the threat. After he fired, Robert had to work the bolt action on his rifle, and adjust his scope to get back on target. When Robert looked through his scope again, he had no view of the suspect.

Robert heard at least one additional round from his left, around the area where Deputy Conner and Deputy Aleman were located. He did not hear Deputy [redacted] fire. Robert believed he heard the round from Conner/Aleman just prior to when he fired.

Robert heard yelling and dialogue between deputies and the suspect. Deputies advised the suspect to come out of the trailer and receive medical attention. After a short time, the suspect came out of the trailer, walked down the steps, and sat in a chair. There were bushes between Robert and his view of the suspect in the chair. After a few minutes, a canine was deployed to get the suspect out of the chair. Someone thought the suspect had a gun under his shirt or in his waistband. Eventually, deputies went up to the suspect, took him out of the chair, and handcuffed him.

The suspect was treated by ESD paramedics at the scene immediately after he was handcuffed.

Deputy [redacted]

Deputy [redacted] of SEB responded to the incident and was deployed on the south side of the trailer. He had a view of 3 windows whcih were covered with blinds. During the day, the CNT tried to make contact with the suspect. Throughout the day, [redacted] heard information related over the radio that he suspect was armed with a rifle and a knife. He could not see the suspect's weapon from his position.

Later in the day after CNT talks had broken off, it was decided that gas would be deployed into the location. [redacted] saw the silhouette of the suspect inside the trailer. The suspect moved to the south side of the trailer. [redacted] moved closer to the trailer and deployed two 3 millimeter ferret gas canisters into the trailer. After deploying the gas, he heard gunshots. [redacted] saw the suspect moving around inside the trailer. He believed the suspect had been hit because he heard the suspect screaming and moaning. [redacted] heard P.A. announcements directing the suspect to exit the trailer.

After several minutes, the suspect came out of the trailer. He walked out but stopped and sat down in a chair at the bottom of the steps. The suspect would not respond to commands. It appeared the suspect had something stuffed into his waistband. Deputies did not want to approach the suspect due to their belief that he was still armed. More announcements were made for several minutes but the suspect did not respond.

A canine unit was deployed and tried to get the suspect out fo the chair, but the suspect fought with the dog. Arwen rounds were directed to be deployed. [redacted] was armed with an Arwen and deployed it. His Arwen initially malfunction, but he was able to get it functioning properly. [redacted] fired six Arwen rounds at the suspect, and thought he struck the suspect twice in the left flank area. The Arwen rounds did not appear to have any effect on the suspect. Another deputy in another position also fired Arwen rounds at the suspect.

The suspect appeared to slow, but still did not respond to the commands. A team of deputies approached the suspect, and took him to the ground. Paramedics then treated the suspect.

Deputy [redacted]

Deputy [redacted] arrived at the location regarding a suspect brandishing a rifle. [redacted] was initially assigned to the arrest team and was to handcuff the suspect once he exited the trailer. [redacted] was deployed one unit east of the suspect's trailer, approximately 15-20 yards away from the trailer. He was able to see the front of the suspect's trailer. Several times during the incident, [redacted] saw the suspect walk back and forth. Most of the time, [redacted] only saw the suspect's head.

Using a bullhorn, [redacted] made numerous attempts throughout the day to convince the suspect to surrender peacefully. The suspect failed to respond to any of [redacted] commands. [redacted] arrest team consisted of Deputies Gallegos, Creamer, Murray and Williams. After negotiation attempts failed, cold gas was deployed into the trailer in an attempt to have the suspect exit the trailer. A short time later, [redacted] heard over the radio the suspect was exiting the trailer and holding a rifle. [redacted] could only see the suspect's head at this time. He heard over the radio the suspect had his finger on the trigger. [redacted] heard 10-15 gunshots. The suspect walked back into the trailer yelling and screaming.

[redacted] attempted to negotiate with the suspect to surrender. The suspect came to the front door of the trailer but he would not comply with commands to put his hands in the air. [redacted] saw a bulge under one of the suspect's sleeves. The suspect exited the trailer and walked down the front steps. [redacted] ordered the suspect to lie down on the ground but he did not. The suspect sat in a chair in front of the trailer. [redacted] saw a shiny object in the suspect's waistband, which he believed was a handgun.

A canine was deployed on the suspect. When the dog made contact with the suspect, the suspect began fighting the dog. Arwen rounds were ordered deployed. Arwen rounds were fired at the suspect which appeared to have no effect. [redacted] then fired six rounds from his Arwen rifle at the suspect. The rounds appeared to strike the suspect's mid-section, but also had no effect on the suspect. He was approximately 25 feet away from the suspect when he fired his Arwen rounds. A second canine was deployed, but did not engage the suspect.

WITNESS STATEMENTS:

Civilian Witnesses

[redacted]

[redacted] is the [redacted] of Suspect Frank Guzman. She was in her residence [redacted] with her [redacted] and [redacted] At approximately 0530 in the morning of April 2, she gave Suspect Guzman his medication. She later found his medication in the trash. Suspect Guzman took out his rifle which had been in a case under the bed. The suspect walked around the trailer with the rifle and a flashlight, and looked into closets and out the windows. The suspect thought someone was out to get him and his [redacted] [redacted] asked her [redacted] to stop and put the rifle away. Suspect Guzman was unresponsive and continued his behavior. Guzman's [redacted] also tried to

talk to the suspect, to no avail. [redacted] believed the suspect had lost touch with reality. Due to the suspect's behavior, [redacted] exited the trailer and called the Sheriff's Department.

[redacted] went to the command post set up by Temple Station deputies. She told deputies that her [redacted] recently lost his job, and his [redacted] had cancer. The suspect has been depressed, and took medication for depression and chemical imbalances. Suspect Guzman admitted himself to a mental health facility approximately 3 years ago, and currently saw a mental health doctor once a month. [redacted] told deputies that over the past weekend, her [redacted] began acting paranoid and would not sleep.

[redacted] later related to Homicide detectives that her [redacted] had a serious brain chemical imbalance and took the drug "Zyprexa" to assist with the imbalance. The suspect took the drug until the end of 2001 then refused to take it anymore. Suspect Guzman had been seen at Arcadia and Pacific Hospitals for his mental condition. [redacted] believed the hospital and doctors refused to help the suspect because he did not have insurance.

On March 29, 2003, [redacted] said the suspect began to use methamphetamine on a daily basis. She believed this made his chemical imbalance worse. The morning of the incident, the suspect was paranoid, restless and disoriented, and had used methamphetamine. He had not slept.

[redacted] was sad that her [redacted] died, but believed the Sheriff's Department tried everything to resolve the situation without hurting anyone. She was relieved her [redacted] did not hurt anyone in his disoriented state of mind.

[redacted]

On the morning of the incident, [redacted] believed his [redacted] "flipped out." His [redacted] directed him to leave their trailer and call the Sheriff's Department on his cell phone. [redacted] called Temple Station and told them his [redacted] had flipped out and was armed inside the trailer. [redacted] said the suspect drank large amounts of alcohol, and became aggressive and "not a nice person to be around" when drunk.

[redacted]

[redacted] was the suspect's [redacted] She was not at the location, but went to the hospital after the incident. She spoke with Homicide detectives and related that her [redacted] had a brain chemical imbalance, and had been seen by mental health doctors. She was upset at her [redacted] death, but not at the Sheriff's Department. She blamed the medical community for not helping her [redacted]

Deputy Witnesses

Deputy Robinson, Willie
Deputy Robinson of SEB was in a containment position with Sergeant Guilbault several spaces east of the target location (Space [redacted]). He could see only the east side and rear of the mobile home, and

could not see inside due to the window coverings. There were numerous hours of phone calls and negotiations by CNT. The suspect did not surrender, and the Tan Team was allowed to proceed with their tactical plan.

At 1935 hours, after the plan was implemented (which included deployment of gas into the trailer), Robinson heard (via the radio) "Long Rifle" announce the suspect exited the front sliding glass door armed with a rifle. Seconds later, Robinson heard 6 shots, and heard via the radio the suspect had re-entered the trailer.

Robinson heard the suspect yelling, but could not make out what he said. About ten minutes later, Robinson heard via the radio the suspect had exited the mobile home, but sat in a chair in front of the location. He also heard the suspect might have had a weapon hidden in a sleeve.

The command staff gave approval for the use of a canine and ARWEN to subdue the suspect. The canine was deployed and several ARWEN rounds were fired. Several minutes after the first dog was deployed then recalled, a second dog was deployed. Soon after, Robinson heard the arrest team had taken the suspect into custody. Robinson heard all the above actions via radio. His containment position did not allow him to witness the events.

Sergeant Guilbault, Robert

Sergeant Guilbault was in the same containment position as Deputy Robinson. He stated substantially the same as Deputy Robinson (above).

Sergeant Barth, Phillip

Sergeant Barth of SEB was assigned a containment position north of the target location with Deputy Shire. Throughout the day, CNT attempted to establish a dialogue with the suspect, and tried to persuade the suspect to surrender. The event continued for many hours with no successful resolution in sight.

The SEB Tan Team, under the direction of Sgt. Yaw, developed a tactical plan to address the situation. At approximately 1935 hours, the Tan Team proceeded with their plan, which had been reviewed and approved by the command staff. After a chemical agent was introduced into the trailer, Barth heard over the radio the suspect came to the front door of the location armed with a rifle. Within seconds, he heard an exchange of gunfire emanating from, or directly adjacent to the target location. Sergeant Yaw advised the suspect had exchanged gunfire with deputies.

Moments later, Barth heard members of the arrest team instruct the suspect to exit the location and crawl toward them. The suspect refused to comply with the instructions and sat on a chair. Barth heard a request to deploy a canine. The request was approved by command staff, and Deputy Williams deployed his dog. A second dog was also deployed, and approval was given for ARWEN rounds to be fired. A minute later, Barth heard the arrest team broadcast the suspect was in custody. He heard a request for ESD paramedics to treat the suspect.

Barth's containment position never offered a clear view of the front of the location. He did not witness the shooting or arrest of the suspect, and never saw the suspect during the incident.

Deputy Shire, Stacey
Deputy Shire was in the same containment position as Sergeant Barth. She stated substantially the same as Sergeant Barth (above).

Deputy Foisner, Leo
Deputy Foisner of SEB was assigned to the Black Team, and was designated to assist the Tan Team by supplementing the Long Rifle Team. He was staged at the rear of the ARV which was positioned southwest of the target location. The front end of the ARV faced the front of the target location. The team comprised of Deputies [redacted] Robert, O'Sullivan and Foisner, were staged at the rear of the ARV, utilizing it for cover. Also staged by the ARV and assessing the situation were Sergeant Yaw, Deputy Keelin, and ESD deputies Hernandez and Airhart.

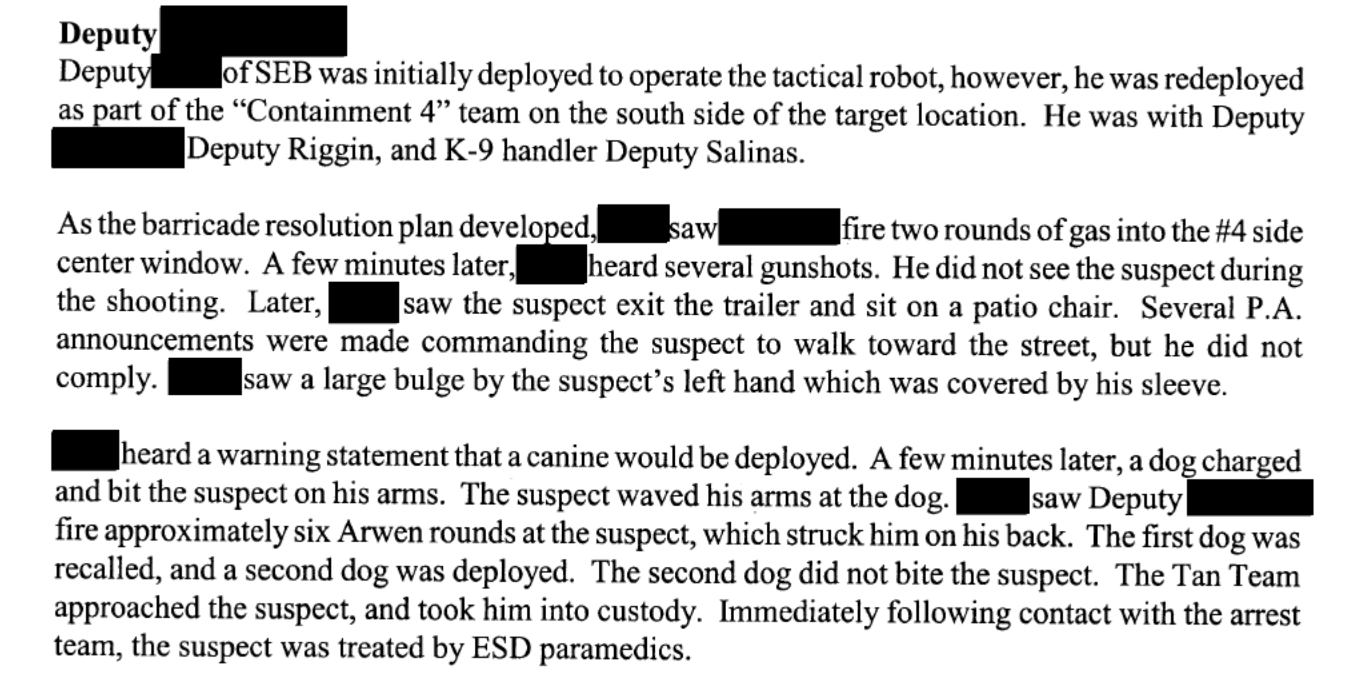
When the tactical plan was implemented, it was decided that chemical agents would be introduced into the location. As Foisner put his gas mask on, Deputy Conner advised (via radio) the suspect was exiting the location, and holding a rifle with his finger on the trigger. Within a couple of seconds, Foisner heard 3 shots fired from his position, and an unknown number of shots fired from Long Rifle 1 position. The suspect then re-entered the location.

After several minutes, the suspect exited the trailer and made his way to a chair, approximately 15 feet west of the front door. The suspect sat in the chair and ignored numerous instructions to lay face down on the ground. Due to the suspect's refusal to comply, a canine was utilized in an attempt to make him surrender. The suspect struggled with the dog, but refused to comply. The decision was made to deploy the Arwen to gain the suspect's compliance. Foisner could not see where the rounds impacted the suspect due to his position. The suspect appeared to lose consciousness after the rounds were fired. The suspect was detained and ESD personnel rendered medical aid.

Deputy Harris, Thomas
Deputy Harris was positioned behind an armored vehicle approximately 30 feet from the location on the 2/3 side (the northeast corner of the location, facing the rear and east side of the trailer). He was assigned as "Containment 3." He was advised by the Tan Team scout, Deputy Keelin, that he would be deploying gas into the location, if needed, from his position.

At approximately 1930 hours, Deputy Keelin advised Harris to deploy gas. As preplanned, Harris and Sgt. Kubly placed two 37mm cold gas canisters into the rear bedroom window. A few minutes later, they were directed to place two additional 37mm gas canisters into the same window. Deputy Baclawski prepared the hot gas, and using the cover of the armored vehicle, Deputy Baclawski introduced hot gas into the location via the "gas axe." The gas axe penetrated the "two" side wall (north) of the location. They moved back to a position of safety as the gas saturated the interior of the location.

Two to three minutes later, Harris heard over the radio that the suspect exited the location and was armed. He heard several shots fired. He then heard via the radio the suspect was down.



Deputy [redacted]

Deputy [redacted] of SEB was initially deployed to operate the tactical robot, however, he was redeployed as part of the "Containment 4" team on the south side of the target location. He was with Deputy [redacted] Deputy Riggin, and K-9 handler Deputy Salinas.

As the barricade resolution plan developed, [redacted] saw [redacted] fire two rounds of gas into the #4 side center window. A few minutes later, [redacted] heard several gunshots. He did not see the suspect during the shooting. Later, [redacted] saw the suspect exit the trailer and sit on a patio chair. Several P.A. announcements were made commanding the suspect to walk toward the street, but he did not comply. [redacted] saw a large bulge by the suspect's left hand which was covered by his sleeve.

[redacted] heard a warning statement that a canine would be deployed. A few minutes later, a dog charged and bit the suspect on his arms. The suspect waved his arms at the dog. [redacted] saw Deputy [redacted] fire approximately six Arwen rounds at the suspect, which struck him on his back. The first dog was recalled, and a second dog was deployed. The second dog did not bite the suspect. The Tan Team approached the suspect, and took him into custody. Immediately following contact with the arrest team, the suspect was treated by ESD paramedics.

Deputy Creamer, George

Deputy Creamer responded to the incident and was deployed as part of the take down and arrest team. The team was responsible for the detention and arrest of the suspect upon his exit from his residence. The team was positioned immediately south of the suspect's residence.

Continuous announcements were made over the P.A. system to the suspect, and the CNT attempted intervention with the suspect for hours. The suspect did not surrender. Over a period of hours, the suspect was seen walking in front of his windows taunting deputies while holding his rifle. Over 5-6 hours, Creamer saw the suspect display physical actions of aggression and agitation, grind his teeth and move in a rigid motion. Creamer believed all of the suspect's actions were consistent with someone who was under the influence of a stimulant. The decision was made by SEB personnel to deploy tear gas into the residence.

After the gas was deployed, the suspect went to the front sliding glass door. The suspect opened the door, partially exposing his upper body, and stood partially through the door. Creamer could only see the suspect's upper torso and head. Creamer heard over the radio the suspect had a gun and his finger was on the trigger. Creamer heard several gunshots, approximately 7-8 rounds, in a quick, short burst which lasted 1-1 ½ seconds. After the gunshots, Creamer saw the suspect go back into his residence, and heard the suspect yell.

Verbal announcements were made by SEB personnel ordering the suspect to exit the trailer. After a short time, the suspect came to the doorway. Deputies advised over the radio the suspect appeared

to be concealing a gun inside his shirt sleeve. Creamer was 15-20 feet from the suspect, and saw what he believed was the butt end of a handgun grip protruding from the suspects left waistband area. Creamer advised other units of his observation via radio.

At some point, the suspect sat in a chair in front of the location. Believing the suspect was still armed, a canine was deployed to subdue the suspect. The dog bit the suspect's left arm, and the suspect fought with and kicked the dog. A deputy with an Arwen was requested to shoot at the suspect in order to assist the canine. The suspect still did not comply, and the dog was called off.

The arrest team was deployed, and the arrest team took the suspect into custody. As the suspect was arrested, Cramer saw a rifle magazine gall out of the suspect's waistband. Creamer and other deputies entered the location to secure it. Creamer saw the suspect's rifle on the floor adjacent to the sliding glass door.

Deputy Gallegos, Clarence

Deputy Gallegos responded to the location and was deployed to a containment position southwest of the suspect's residence. His responsibility was to detain and arrest the suspect if the suspect exited the residence. During the incident, Gallegos believed the suspect's actions were consistent with someone under the influence of a stimulant. Containment personnel saw the suspect hold a rifle or a knife throughout the entire incident.

Other SEB containment members deployed tear gas into the location. Verbal commands were given over a bull horn ordering the suspect to surrender. Gallegos heard over the radio that the suspect was standing at the front sliding glass window holding a rifle with his finger on the trigger. Gallegos could not see the suspect from where he was positioned. Gallegos then heard gunshots northwest of his location where SEB long rifles were positioned.

After the gunshots, Gallegos heard the suspect screaming and moaning inside his residence. Numerous commands were given to the suspect advising him to surrender. Shortly after, the suspect exited his residence through the sliding door and walked onto the front porch. The suspect walked down the steps and sat in a white plastic chair in front of his residence. Gallegos saw the suspect's left shirt sleeve concealed his left hand, and saw what appeared to be a gun butt protruding from the suspect's left waistband area. The suspect refused to comply with deputies' orders to surrender.

Because the suspect appeared to be armed, a canine was deployed toward the suspect. The suspect fought the dog, and after several minutes, the dog appeared to tire and the suspect still would not surrender. Gallegos advised SEB Deputy [redacted] to deploy the less lethal Arwen gun to force the suspect to the ground and surrender. Gallegos believed [redacted] fired six Arwen rounds at the suspect. Gallegos only saw one round strike the suspect, in the left side of his head. After the Arwen deployment, Gallegos saw the suspect leaned back in the chair, motionless. The arrest team approached the suspect and took him into custody. Gallegos saw a black ammunition magazine fall out of the suspect's waistband. ESD paramedics treated the suspect immediately after he was taken into custody.

Deputy Garay, Ralph
Regarding the suspect's actions, Deputy Garay stated substantially the same as the other SEB personnel at the scene. Garay was assigned to a containment position at the trailer park recreation room, west of the suspect's location. Garay saw the suspect inside the trailer most of the day, heard the announcements, and acknowledged the efforts of CNT to persuade the suspect to surrender.

Garay deployed a "flash bang" percussion device at the northwest portion of the trailer in order to create a diversion and allow the insertion of tear gas into the location. Garay observed the shooting incident and believed the suspect exited the location in an aggressive manner, in a crouched position while holding a rifle. Garay heard multiple gunshots from the long rifle positions.

Garay's version of the remaining events to the conclusion of the incident is substantially the same as other SEB personnel.

Deputy Chase, Bruce
During the incident, Deputy Chase of SEB was positioned at a containment spot at recreation room, west of the location, or behind the ARV, also west of the suspect's trailer. He had a view of the suspect throughout the incident. Deputy Chase's version of the events throughout the day, the shooting, and the aftermath are substantially the same as other personnel assigned to the incident.

Deputy O'Sullivan, David
Deputy O'Sullivan was positioned as the Long Rifle team with Deputy Robert. They took turns manning the long rifle due to the duration of the incident. O'Sullivan stated substantially the same as Deputy Robert (see above statement by Robert under "Involved Employees"). At the time of the shooting, O'Sullivan was positioning a light on the suspect's trailer to provide additional lighting for the long rifle position. He went to his weapon, and by the time he came up on target, the suspect had re-entered his trailer.

Deputy Keelin, Fred
Deputy Keelin was positioned with the arrest team behind the ARV. Keelin's account of the incident was substantially the same as other deputies deployed at the incident.

Sergeant Yaw, Phil
Sergeant Yaw was the team leader in charge of the SEB Tan Team. Yaw arrived at the scene, began to coordinate the situation, and called for additional SEB members to respond. Yaw worked on the tactical plan for the operation and made sure a search warrant was obtained. The operation was delayed due to the availability of a judge to sign the search warrant. During the day, many attempts were made to convince the suspect to surrender. Announcements and telephone calls were made, but the suspect refused to respond or surrender.

Yaw interviewed members of the suspect's family. They told Yaw the suspect had a chemical imbalance, took medication to control his emotions, had been using methamphetamine, and had a prison record. They also related the suspect had a rifle with a scope, and advised Yaw the suspect

believed someone was trying to enter the trailer and hurt his family.

CNT continued to negotiate unsuccessfully for the suspect's surrender. The suspect always appeared with a rifle in his hands, and often a knife as well. The search warrant was obtained at approximately 1900 hours, and SEB was authorized to start the tactical plan to safely apprehend the suspect. Lt. Maxwell authorized chemical agents to be deployed. Initially cold gas was introduced into the trailer on the north side. When the suspect failed to exit, hot gas was introduced into the trailer. A few minutes later, the suspect appeared at the front sliding glass door. He opened the door and raised the rifle in the direction of the ARV and deputies. Yaw heard gunshots coming from the long rifle deputies' positions. The suspect fell back into the trailer, and Yaw immediately conducted a roll call of all SEB members via the radio.

Yaw notified the command post the suspect was shot and down inside the trailer. A few minutes later, the suspect appeared at the door without his rifle, and walked out onto the porch. The suspect was ordered off the porch and told to lie on the ground. He did not comply. Eventually, the suspect walked off the porch and sat in a chair in front of the trailer. Deputy personnel advised the suspect possibly had a gun in his waistband. A canine was deployed in an attempt to pull the suspect to the ground. Due tot he suspect's large size, the dog was unable to move the suspect. Another canine was deployed but would not engage the suspect. Both dogs were recalled.

Deputies moved in and fired 5-6 Arwen rounds at the suspect. The suspect stood up and walked to another chair a few feet away, and sat down again. The suspect's hands were empty and he faced toward the trailer. Yaw and Deputy Keelin approached the suspect from behind, tilted his chair backward, and took the suspect to the ground. No weapons were found on the suspect, but a black .22 caliber magazine and a knife fell from the suspect's waistband. SEB paramedics treated the suspect.

Deputy Murray, Bill
Deputy Murray was assigned with canine handler, Deputy Williams, Deputy Creamer, Deputy [redacted] and Deputy Gallegos. They were in a position near the trailer and could not see the suspect. Murray was assigned an Arwen less lethal weapon. Murray did not fire his Arwen during the incident. He related substantially the same as the other deputies he was with.

Deputy Williams, Joseph
Deputy Williams was at he location as a canine handler, and was on scene for approximately 10 hours. His version of the events are substantially the same as the other deputies at he scene. Following the shooting, Williams saw the suspect seated in a chair in front fo the location. It appeared the suspect had a black weapon concealed in his left shirt sleeve. The suspect refused to comply with numerous instructions to put his weapons down and lie on the ground. The suspect was argumentative and yelled at the arrest team that he was injured. Williams believed the suspect was trying to lure the arrest team toward him.

Due to the suspect's refusal to comply with any orders to disarm himself, Williams deployed his police dog. The dog bit the suspect's right wrist. The suspect fought with the dog for approximately 3 minutes, and ignored orders to surrender. During this time, 4-5 Arwen rounds were fired at the suspect. Williams was unsure if any of the Arwen rounds struck the suspect. Williams saw a black magazine fall from the suspect's left hand.

Williams recalled his dog as the arrest team approached the suspect. The suspect's chair broke, causing him to fall to the ground as the arrest team took the suspect into custody.

Deputy Salinas, Alejandro
Deputy Salinas of SEB was deployed at the incident as a canine handler. At approximately 1930 hours, he heard approximately 12 gunshots. He heard via the radio that the suspect had been hit. The suspect exited the trailer and sat in a chair. Salinas saw the suspect bleeding from his arms. The decision was made to deploy a canine, and Deputy Williams' dog was deployed first. The dog took a hold of the suspect's shirt and tried to pull him out of the chair. The suspect was too big for the dog to pull him out of the chair, and the dog tired. The suspect sat passively in the chair after the first dog was called off, and Salinas believed the suspect might have passed out. Salinas deployed his dog. The dog approached the suspect, but would not bite the suspect because the suspect was not fighting. The dog returned to Salinas.

Deputy McCabe, Larry
Deputy McCabe responded to the location and was assigned to a containment position. During the incident, he and other deputy personnel gave continuous verbal orders for the suspect to surrender. At approximately 1930 hours, he made a containment position relief and was located 75 yards to the west of the suspect's residence. He was unable to see the suspect holding a weapon from his position. McCabe heard the radio traffic regarding the suspect's movements and heard approximately 6 rounds fired from deputy personnel. McCabe heard the rest of the incident via the radio, and stated substantially the same as other deputies at the location. McCabe offered no additional information that has not been included in the above interviews. McCabe and the other ESD paramedics treated Suspect Guzman immediately after he was taken into custody. The suspect was treated for gunshot wounds to both arms, the chest, and an Arwen round to the head.

Deputy Airhart, Darrell
Deputy Airhart of ESD stated substantially the same as other deputies at the scene. Airhart took cover behind the ARV during the shooting and heard several gunshots. Airhart saw the suspect come out onto the front porch, then sit in a chair in front of the trailer. The suspect did not comply with deputies' orders, and claimed he could not walk even though he just walked down the trailer steps.

Airhart's view was partially obstructed once the suspect sat in the chair. He could not see the usspect's hands but heard other deputies' concerns about the suspect being armed. A canine unite was sent to remove the suspect from the chair. A lengthy struggle ensued and the suspect remained in the chair. At some point, Arwen rounds were fired and the suspect reacted as if struck by them.

An entry team approached and put the suspect on the ground.

Airhart and other paramedics treated the suspect. Airhart observed gunshot wounds to the suspect's chest and both arms.

Deputy Hernandez, Rick

Deputy Hernandez responded to the location. He remained at the location for the duration of the day. He was positioned behind the armored vehicle and had a view of the sliding glass door of the suspect's trailer. Hernandez used binoculars and saw the suspect several times with a rifle. Hernandez also heard him yelling, waving his fists, acting erratically and talking to himself.

The CNT tried to contact the suspect but the suspect did not respond to their efforts. Gas was introduced into the trailer to force the suspect out. When the suspect came to the front door, Hernandez re-positioned himself at the southwest corner of the rec room, north of the ARV. Hernandez saw the suspect come out the front door in a crouched position. The suspect looked right and left and raised his rifle. The SEB long rifles then shot the suspect. Hernandez believed the suspect fired a round from his weapon.

The suspect came back out onto the front porch. Hernandez overheard radio traffic which stated there was an object in the suspect's waistband and sleeve. The suspect walked off of the porch and sat on a bench. A canine was deployed but the suspect did not give up. Deputies approached and the Arwen was deployed. The suspect was struck by the Arwen rounds. Once the suspect was secured, Hernandez and other ESD deputies treated the suspect for gunshot wounds to the chest and forearms. It appeared the suspect was also struck with an Arwen round in the head. The paramedics continued to treat the suspect until his arrival at the hospital.

Deputy Vilander, Dana

Deputy Vilander of ESD arrived at he scene at approximately 1915 hours. Vilander positioned himself behind the ARV. At approximately 1930 hours, deputies introduced gas into the trailer. The suspect came to the front door armed with a rifle. He moved away, but a short time later, returned to the front door and opened it. The suspect was in the doorway in a crouched position, armed with the rifle. He looked back and forth, then raised the rifle in the direction of the deputies near the ARV. Vilander heard 6-8 shots fired by deputies.

The suspect went back inside the trailer, as he yelled and walked around. Approximately 3-5 minutes later, the suspect exited the trailer and sat in a chair at the base of the stairs. Vilander heard on the radio the suspect had something in his sleeve. A canine was deployed and the suspect struggled with the dog. The dog tried to pull the suspect out of the chair, but the suspect grunted and said, "Good dog." The dog was unable to remove the suspect from the chair and the Arwen was deployed. Vilander did not see any Arwen strikes except the last one, which he believed struck the suspect's head. Several seconds later, the suspect collapsed and the entry team secured the suspect.

Vilander and the other ESD paramedics treated the suspect. Vilander saw gunshot wounds to the suspect's left and right arm, chest, right portion of the back, and the head.

Deputy Wainscott, Timothy
Deputy Wainscott of Arson/Explosives arrived at the location and deployed the ANDROS ROBOT in an effort to deliver a telephone to a barricaded suspect (Guzman). CNT was able to contact the suspect via the house phone and Wainscott held off. Later, CNT lost contact with the suspect and Wainscott deployed the robot in an effort to check the location and re-contact the suspect. He maneuvered the robot to the suspect's trailer and tried to see through the sliding glass door via the robot's monitors. Due to sun glare, he could not see well. Wainscott made several announcements to the suspect via the robot's P.A., but the suspect would not make contact.

Wainscott returned the robot to the command area.

Reserve Deputy Estes, Catherine
Deputy Estes worked as a regular deputy sheriff for 14 years prior to becoming a reserve four years ago. She has worked continuously for the Crisis Negotiation Team for the past 8 years. While at the command post, Estes spoke to the suspect's [redacted] and was told of the suspect's history of mental illness. [redacted] also explained that the suspect was not receptive to mental health intervention and would not take prescribed medication. [redacted] also explained the suspect was non-communicative, paranoid, and might be "better off dead" due to his continually deteriorating mental state.

CNT made many phone calls into the suspect's trailer. Finally, Guzman answered the land line. Estes identified herself and initiated negotiations. Guzman's responses were sporadic and difficult to understand. His speech was muffled and garbled as if he had a speech impediment. At one point, Guzman said he was coming out and hung up the phone. Over a period of time, Estes called back many times. Guzman answered a few times, but Estes' efforts to converse were mostly unsuccessful. Guzman's responses were unintelligible or outside the scope of the conversation. He spoke of people moving around inside his house. Estes tried to convince Guzman that the deputies were there to help him. Finally, the suspect hung up and did not answer any further phone calls.

Deputy Owen, Tania
Deputy Owens, of Family Crimes Bureau and the Crisis Negotiation Team, responded to the location. At the command post, she was briefed and asked to try to talk to the suspect via the P.A. Owens, Deputy Wollenzier and Sgt. Mike Handley were taken to a safe location out of the suspect's sight. Two SEB deputies stayed with the group and they were in a location where the suspect could hear the P.A. announcements.

Wollenzier was the primary negotiator, Owen the back up negotiator, while Handley provided supervision and support. Starting around 1150 hours, they made repeated attempts to contact the suspect, to no avail. At one point, a robot delivered a phone to the trailer but the suspect failed to pick it up. At approximately 1450 hours, the team of three went back to the command post without

making contact with the suspect.

Deputy Wollenzier, Annadenise
Deputy Wollenzier of CNT related substantially the same as Deputy Owen (above).

> **IAB Note: Many of the deputies assigned to the incident gave very similar, repetitive versions of the event. For complete statements of each individual deputy at he incident which was not summarized above, refer to their statements in Exhibit A, the Homicide Book.**

SUSPECT STATEMENT:

No statement– deceased.

Toxicology reports from the coroner showed the suspect had the presence of methamphetamine in his blood system. Refer to the toxicology report, **Exhibit A, p. 176**.

MISCELLANEOUS SECTION:

None



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

January 6, 2004

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Re: J.S.I.D. File # 03-0272
L.A.S.D. # 003-04634-0584-013

Dear Captain Merriman:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 2, 2003, fatal shooting of Frank Robert Guzman by Los Angeles County Deputy Sheriffs [redacted] William Robert, Daniel Aleman, and Zachary Conner. We have concluded that the deputies acted lawfully in self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on April 2, 2003 at 10:52 p.m. Deputy District Attorney Hector Guzman and District Attorney Senior Investigator [redacted] responded to the scene. We received a briefing of the circumstances surrounding the incident and were provided a walk-through of the scene by Lieutenant Jack Jordan of the Los Angeles County Sheriff's Department.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department totaling 191 pages and the autopsy report prepared by Deputy Medical Examiner Darryl Garber, M.D. We did not review compelled statements as a part of this analysis.

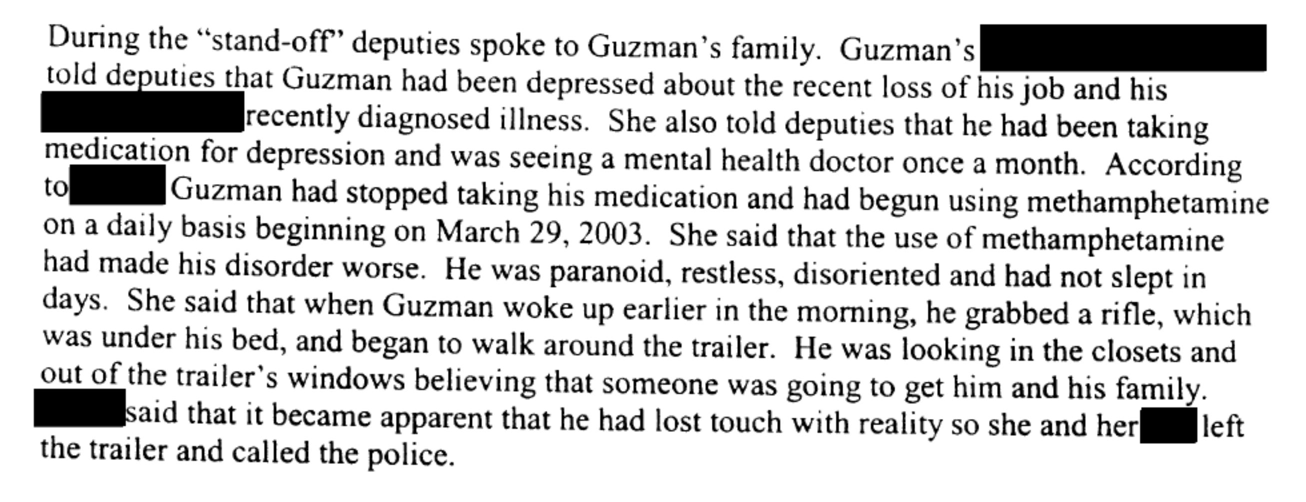
FACTUAL SUMMARY

On April 2, 2003 at approximately 6:13 a.m., Los Angeles County Sheriff deputies responded to a trailer park located at [redacted] Live Oak Avenue, in the City of Arcadia, in response to a call of a man with a gun. Upon arrival, deputies contained the location and saw

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
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WEBSITE: http://da.co.la.ca.us



Frank Robert Guzman inside a trailer armed with a rifle. After initial attempts to have Guzman exit the trailer failed, the Sheriff's Special Enforcement Bureau responded to handle the situation. The Sheriff's Crisis Negotiation Team also responded to the scene in an attempt to convince Guzman to surrender peacefully. The "stand-off" lasted the majority of the day and concluded at 7:35 p.m. when Guzman was shot by deputies as he exited the trailer armed with a rifle. He was treated at the location and transported to a Hospital where he was pronounced dead.



During the "stand-off" deputies spoke to Guzman's family. Guzman's [redacted] told deputies that Guzman had been depressed about the recent loss of his job and his [redacted] recently diagnosed illness. She also told deputies that he had been taking medication for depression and was seeing a mental health doctor once a month. According to [redacted] Guzman had stopped taking his medication and had begun using methamphetamine on a daily basis beginning on March 29, 2003. She said that the use of methamphetamine had made his disorder worse. He was paranoid, restless, disoriented and had not slept in days. She said that when Guzman woke up earlier in the morning, he grabbed a rifle, which was under his bed, and began to walk around the trailer. He was looking in the closets and out of the trailer's windows believing that someone was going to get him and his family. [redacted] said that it became apparent that he had lost touch with reality so she and her [redacted] left the trailer and called the police.

Detectives interviewed the four deputies involved in the shooting. Deputies Daniel Aleman and Zachary Conner were positioned directly across from the trailer inside a recreational building. Deputies [redacted] and William Robert were positioned on top of a Sheriff's armored vehicle just west of the trailer. There were several other deputies in and around the vehicle. At various times throughout the day, all four deputies could see Guzman in the trailer armed with a rifle and a knife.[1] They saw him point the rifle at his own head and make "threatening gestures with the weapon" in the deputies' direction. The deputies told detectives that a Sheriff's crisis negotiation team had made several attempts throughout the day to convince Guzman to surrender. When it became apparent that Guzman was not going to surrender, tear gas was placed into the trailer. The deputies then saw Guzman crouching near the front sliding glass door armed with the rifle. They saw him open the glass door, step out of the trailer, look around as if trying to find a target and then raise his rifle in the direction of [redacted] and Robert. Fearing for their lives and the lives of other deputies, all four deputies fired several rounds at Guzman. They then saw Guzman fall back into the trailer and heard him screaming from inside the trailer that he had been shot in the leg.

After the shooting, Guzman was again ordered out of the trailer. He was advised to surrender so that medical aid could be rendered. Guzman then came out of the trailer with what appeared to be a weapon secreted in his sleeve and sat in a chair in front of the trailer.

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[1] Guzman was armed with a semi-automatic .22 caliber rifle loaded with twenty-five live .22 caliber rounds.



It was later discovered that Guzman had a gun magazine clip in his waist area. Eventually deputies were able to approach Guzman and arrest him.

Two expended .223 caliber Remington cartridge cases and one expended .308 caliber Winchester cartridge case were recovered from the roadway west of the trailer. Four expended .308 caliber Winchester cartridge cases and five expended .223 caliber Remington cartridge cases were recovered from inside the recreational building. Deputies Aleman and [redacted] were armed with .223 caliber rifles. Deputies Robert and Conner were armed with .308 caliber rifles.

An autopsy of Frank Robert Guzman was conducted on April 7, 2003, by Los Angeles County Deputy Medical Examiner Darryl Garber, M.D. The autopsy revealed that Guzman had gunshot wounds to the chest and arms. Doctor Garber ascribed the cause of death as multiple gunshot wounds to the body. An analysis of Guzman's blood detected the presence of methamphetamine.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or in the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions—Criminal (CALJIC) 5.30, 5.32.

According to [redacted] members, including Guzman's [redacted] Guzman was mentally unstable. He had armed himself with a rifle and refused to comply with the deputies' orders to exit the trailer. Numerous attempts were made to negotiate a peaceful resolution to the crisis. After negotiating with Guzman for approximately twelve hours, deputies deposited tear gas into the trailer in an attempt to disable him and get him to surrender. When Guzman came out of the trailer he raised his rifle and pointed it in the direction of the deputies. When he pointed the rifle in the deputies direction, they shot him. Based on the circumstances it was reasonable for the deputies to believe that their lives and the lives of others were in imminent danger of death or great bodily harm. Therefore, given the scenario described, the deputies were justified in shooting Guzman in self-defense and in defense of others.



We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By [signature]

HECTOR GUZMAN
Deputy District Attorney
(213) 974-3888

c: Deputy [redacted] # [redacted]
Deputy William Robert, # [redacted]
Deputy Daniel Aleman, # [redacted]
Deputy Zachary Conner, # [redacted]